



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,178	09/22/2003	Satoru Saigo	242953US90	8776
22850	7590	05/31/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TANG, KAREN C	
			ART UNIT 2151	PAPER NUMBER
			NOTIFICATION DATE 05/31/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/666,178

Applicant(s)

SAIGO ET AL.

Examiner

Karen C. Tang

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/3/03, 6/17/04
8/9/05 12/20/06.

1. Claims 1-16 are presented for examination.

DETAILED ACTION

Claim Objections

Claims 1-16 are objected to because of the following informalities:

In Claim 1, where the client terminal “which can” transmit/receive information, the language “which can” is vague and broad, and does not mean the client terminal “will do” and is only possibility can do the claiming functions. Therefore, “which can” does not carry patentable weight.

When the information is undelivered information, how can the system transmit the “undelivered information”.

It will be interpreted that the “undelivered information” as the content information that is original message that is intended to send it to the user.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-5, 8-12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by

Horvitz et al hereinafter Horvitz (2004/0128359).

2. Referring to Claims 1, 8, and 11, Horvitz disclosed an information transmission device, comprising: notification reception means for receiving notification concerning detection of a client terminal which can transmit/receive information through a network is in a communicable state with the network (detecting the user is currently utilized the device, refer to 0082); and information transmission means for transmitting undelivered information to the client terminal, provided that the notification reception means receives the notification (transmit the original content information to the user along with the notification, refer to 0086).

3. Referring to Claims 2 and 10 and 16, Horvitz disclosed wherein the connection detection means acquires transmission-related information (whether or not user is connected) required to transmit information to the client terminal (refer to 0082, if user is in the connective state, then sent notification along with other information), and the relay device further comprising notification transmission means for transmitting results from the connection detection (user is connective state, then transmit notification refer to 0082) means and the acquired transmission-related information to an information transmission device for transmitting undelivered information to the client terminal (the system detected the user's connective state, in order to transfer information).

4. Referring to Claim 3, Horvitz disclosed information transmission means (module within the system as disclosed by Horvitz) for transmitting the undelivered information to the client terminal, provided that the connection detection means detects the client terminal is in a

communicable state with the network (refer to 0086, the system transfer notification along with the original message to the client terminal).

5. Referring to Claims 4, 9 and 12, Horvitz disclosed wherein the information transmission means selects undelivered information to be transmitted to the client terminal from information stored in transmission information storage means (refer to 0053), provided that the connection detection means detects the client terminal is in a communicable state with the network, and transmits the selected undelivered information to the client terminal (refer to 0082).

6. Referring to Claim 5, Horvitz disclosed wherein the information transmission means transmits the selected undelivered information to the client terminal together with other information transmitted to the client terminal (refer to 0069 and user profile).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al hereinafter Horvitz (2004/0128359) in view of Fox et al (US 6,654,786).

7. Referring to Claims 6 and 14, Horvitz disclosed wherein the other information transmitted to the client terminal is information transmitted/received by use of HTTP (0071); Although Horvitz disclosed the invention substantially as claimed, Horvitz is silence regarding the information transmission means adds the selected undelivered information by changing the HTTP header of the other information transmitted to the client terminal, and transmits the selected undelivered information to the client terminal.

Fox, in an analogous art disclosed the information transmission means adds the selected undelivered information by changing the HTTP header (whenever the information is being updated, the header is being changed, refer to Col 6, Lines 50-67) of the other information transmitted to the client terminal, and transmits the selected undelivered information to the client terminal (refer to Col 7, Lines 1-22 and Lines 30-45).

Hence, providing disclosed by Fox, would be desired for user to implement such functionality because different network type has different advantage/disadvantage, by having a uniform type of push system will ensure that the message being delivered to all type of wireless network.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Horvitz by including the features which changes the header whenever the message being changed/updated.

8. Referring to Claims 7, 13 and 15, although Horvitz disclosed the invention substantially as claimed Horvitz is silence regarding wherein the information transmission means transmits the selected undelivered information to the client terminal separately from the other information transmitted to the client terminal.

Fox, in an analogous art disclosed wherein the information transmission means transmits the selected undelivered information to the client terminal separately from the other information transmitted to the client terminal (push notification and other information are stored in the queue, therefore, when user is ready to receive notification, all notification will be submitted at the same time, refer to Col 13, lines Col 13, lines 1-10).

Hence, providing disclosed by Fox, would be desired for user to implement such functionality because different network type has different advantage/disadvantage, by having a uniform type of push system will ensure that the message being delivered to all type of wireless network.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Horvitz by including the features that transmits the selected undelivered information to the client terminal separately from the other information transmitted to the client terminal.

Conclusion

9. **Examiner's Notes:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the

specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

10. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen Tang


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER